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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,619	07/24/2000	Kiyoshi Okamoto	CANO:011	6384
7590 06/02/2004				
Rossi & Associates P O Box 826 Ashburn, VA 20146-0826				
			EXAMINER GOODMAN, CHARLES	
			ART UNIT 3724	PAPER NUMBER 29
DATE MAILED: 06/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/624,619

Applicant(s)

OKAMOTO ET AL.

Examiner

Charles Goodman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15, 19-22, 26, 29, 30 and 33-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-15, 19-22, 26, 29, 30 and 33-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. The Amendments filed on February 19, 2004 and March 3, 2004 have been entered.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 19, 2004 has been entered.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 11-15, 19-22, 26, 29, 30 and 33-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 11, e.g., the difference between the “detecting means for detecting a conveying amount” and the “determining means for determining a length” is vague and indefinite in that it is not clear what they encompass. Which features are these means referring to? What is the difference between the “determining means” and the computer which controls all the functions of the disclosed device?

b. In claim 40, the “third” detecting means recitation is vague and indefinite in that it is not clear what the claim encompasses. How is the length determined “after” the second detecting means detects the trailing edge? While the function of the length determining means may be understood in terms of the leading edge detection, it is not understood with respect to the detection of the trailing edge.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. As best understood, claims 11-15, 19-22, 26, 29, 30 and 33-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Takaishi et al.

Takaishi et al discloses a paper punching device for use in an image forming machine comprising all the elements claimed including, *inter alia* in the various embodiments, a sheet processing means (e.g. 140) which is movable in the width

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direction; a conveying means (e.g. 44); detecting means (e.g. 90, 91 - c. 23, ll. 61-67) with detects the side edge of the sheet; detecting means (e.g. 76 - c. 13, ll. 3-29); detecting means for detecting a conveying amount (e.g. c. 13, l. 56 - c. 14, l. 9); and a control means wherein the control means inherently controls timing of the detecting operation.

Response to Arguments

8. Applicant's arguments filed February 19, 2004 have been fully considered but they are not persuasive.

In response to Applicant's basic argument that Takaishi et al does not anticipate the claimed invention because Takaishi et al allegedly lacks the detecting means for detecting the trailing edge and detecting means for the conveyed amount, this argument is traversed. As noted in the rejection supra, Takaishi et al in fact includes the alleged lacking features. For instance the sensor (76) may detect either the front or the rear end/edge of the sheet. See c. 13, ll. 3-29. In addition and as best understood, the encoder (78), inter alia, detects the conveyed amount while the control system inherently has determining means for determining the conveyed length. Because of the varying sizes of sheets that Takaishi et al is designed for, there is no distinction between "set sheet size" or the amount of length called for in the claims.

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703)


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308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (703) 308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-1148.

cg 
May 30, 2004


Charles Goodman
Primary Examiner
AU 3724

CHARLES GOODMAN
PRIMARY EXAMINE